

JS 44 (Rev. 02/19)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

W. Glenn Soileau

**DEFENDANTS**

United Property &amp; Casualty Insurance Company

(b) County of Residence of First Listed Plaintiff St. Martin Parish

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Pinellas County, Florida

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jacques P. Soileau, Soileau Law Office, LLC, 219 W. Bridge Street, P.O. Box 344, Breaux Bridge, LA 70517; (337) 332-4561

Attorneys (If Known)

Shannon Howard-Eldridge, Milling Benson Woodward L.L.P., 68031 Capital Trace Row, Mandeville, LA 70471; (985) 871-3924

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1332Brief description of cause:  
Insurance Contract Dispute**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/02/19

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**W. GLENN SOILEAU**

**Plaintiff**

**VERSUS**

**UNITED PROPERTY &  
CASUALTY INSURANCE COMPANY**

**Defendant**

\* **CASE NO.:**  
\*  
\*  
\* **SECTION “ ”**  
\*  
\* **JUDGE:**  
\*  
\* **MAGISTRATE:**  
\*  
\* **JURY TRIAL**

\*\*\*\*\*

**NOTICE OF REMOVAL and DEMAND FOR JURY TRIAL**

TO: The Honorable Judges  
of the United States District Court  
for the Western District of Louisiana

Defendant, United Property and Casualty Insurance Company (hereinafter “UPC”), files this Notice of Removal pursuant to 28 U.S.C. §§ 1332 and 1441, and hereby removes this matter from the 16<sup>th</sup> Judicial District Court for the Parish of St. Martin, State of Louisiana, to the docket of this Honorable Court on the grounds set forth below:

**FACTUAL SUMMARY**

1.

On the 10th day of June, 2019, the attached *Petition* was filed in the 16<sup>th</sup> Judicial District Court for the Parish of St. Martin, State of Louisiana, entitled *W. GLENN SOILEAU versus UNITED PROPERTY & CASUALTY INSURANCE COMPANY*, bearing case number 88182.<sup>1</sup>

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<sup>1</sup> See *Citation* and *Petition*, which are attached as Exhibit “1.”

Citation was issued on June 11, 2019.<sup>2</sup> Service of the Petition and Citation was made on UPC via The Louisiana Secretary of State on June 20, 2019.<sup>3</sup>

2.

The *Petition* states that the plaintiff, W. Glenn Soileau (hereinafter “Soileau”), is a resident of St. Martin Parish, State of Louisiana.<sup>4</sup>

3.

Soileau named a single defendant, United Property & Casualty Insurance Company, a corporation organized under the laws of the State of Florida with its principle place of business in the State of Florida.

4.

Plaintiff’s *Petition* alleges that he owned property located at 491 Kent Street, Breaux Bridge, Louisiana, which Plaintiff maintained a homeowners insurance policy from UPC.<sup>5</sup>

5.

Soileau alleges \$195,000.00 worth of property was stolen from his residence, located at 491 Kent Street, Breaux Bridge, Louisiana, St. Martin Parish.<sup>6</sup>

6.

Through his *Petition*, Soileau seeks an award of penalties and attorney fees in the amount of \$60,000.00, for UPC’s alleged willful and intentional refusal to adjust his claim within the delays provided by law.<sup>7</sup>

7.

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> See Introduction of *Petition*, which is attached as Exhibit “1.”

<sup>5</sup> See ¶ 1 of *Petition*, which is attached as Exhibit “1.”

<sup>6</sup> See ¶ 18 of *Petition*, which is attached as Exhibit “1.”

<sup>7</sup> See ¶ 21 of *Petition*, which is attached as Exhibit “1.”

In his *Petition*, Soileau seeks an award of damages for the burglary and theft of property allegedly stolen from his residence, located at 491 Kent Street, Breaux Bridge, Louisiana, in the amount of \$195,000.00.<sup>8</sup>

8.

Through his *Petition*, Soileau seeks relief against UPC in the form of a judgment declaring that UPC breached its policy of insurance issued to Soileau by UPC and in effect during the date of loss, and for an award under La. R.S. 22:1892 and 22:1973.<sup>9</sup>

#### **SOILEAU'S PRAYER FOR RELIEF**

9.

Soileau's *Petition* prays for the following relief: (1) judgment against UPC for all damages arising out of the alleged theft and burglary occurring at his residence, located at 491 Kent Street, Breaux Bridge, Louisiana, in the amount of \$195,000.00; (2) penalties and attorney fees in the amount of \$60,000.00; and (3) damages for breach of contract in the amount of \$50,000.00.

#### **BASIS FOR FEDERAL JURISDICTION**

10.

28 U.S.C. § 1332 provides federal district courts with concurrent original jurisdiction in cases "where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States."

##### ***A. The Amount in Controversy Exceeds \$75,000.00.***

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<sup>8</sup> See ¶ 22 of *Petition*, which is attached as Exhibit "1."

<sup>9</sup> See ¶¶ 21-23 of *Petition*, which is attached as Exhibit "1."

11.

The Fifth Circuit has explained that for purposes of establishing removal jurisdiction, a defendant may demonstrate that the amount in controversy exceeds \$75,000, “in either of two ways: (1) by demonstrating that it is ‘facially apparent’ from the petition that the claim likely exceeds \$75,000 or (2) ‘by setting forth *the facts* in controversy-preferably in the removal petition, but sometimes by affidavit-that support a finding of the requisite amount.’”<sup>10</sup>

12.

Soileau alleges and seeks monetary damages in the amount of “\$195,000.00” from UPC for property allegedly stolen from his residence; \$60,000.00 for penalties and attorney fees; and \$50,000.00 for breach of contract. Accordingly, it is facially apparent from Soileau’s *Petition* that the amount in controversy clearly exceeds the \$75,000.00 jurisdictional threshold.

***B. Complete Diversity Exists Between All Parties “Properly Joined”***

13.

Plaintiff, Soileau, is a resident of St. Martin Parish, State of Louisiana. Accordingly, Soileau is a Louisiana citizen for purposes of analyzing diversity.

14.

Defendant, UPC, is a corporation organized under the laws of the State of Florida with its principle place of business in the State of Florida. Accordingly, UPC is a citizen of Florida for purposes of analyzing diversity.

15.

Accordingly, there is complete diversity of citizenship between Soileau and UPC.

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<sup>10</sup> *Grant v. Chevron Phillips Chem. Co. L.P.*, 309 F.3d 864, 868 (5th Cir. 2002) (emphasis in original) (quoting *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995)).

### **CONSENT TO REMOVAL**

16.

UPC, as the properly joined and served defendant in the state-court action, consents to this Removal. There are no other defendants in the litigation.

### **REMOVAL IS TIMELY**

17.

The state-court action was filed on June 10, 2019.<sup>11</sup> Citation was issued on June 11, 2019.<sup>12</sup> Service of the Petition and Citation was made on UPC via The Louisiana Secretary of State on June 20, 2019.<sup>13</sup> Accordingly, this *Notice of Removal* is filed within thirty (30) days of service on UPC, and is timely pursuant to 28 U.S.C. § 1446(b).

### **VENUE IN THIS COURT IS PROPER**

18.

The 16<sup>th</sup> Judicial District Court for the Parish of St. Martin, State of Louisiana, is located within the jurisdiction of the United States District Court for the Western District of Louisiana pursuant to 28 U.S.C. § 98(c) and 28 U.S.C. § 1441(a). Therefore, venue is proper in accordance with 28 U.S.C. § 1441(a) because it is the “district and division embracing the place where such action is pending.”

### **PAPERS FROM REMOVED ACTION**

19.

As required by 28 U.S.C. § 1446(a), UPC has attached hereto Exhibit “1”, *in globo*, copies of all process, pleadings, and orders served on UPC in the state-court action and filed into the record of these proceedings in the 16<sup>th</sup> Judicial District Court for St. Martin Parish.

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<sup>11</sup> Exhibit “1.”

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*



**NOTICE TO ADVERSE PARTIES AND STATE COURT**

20.

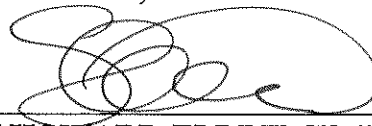
As required by 28 U.S.C. § 1446(d), a written copy of this *Notice of Removal* is being served on all adverse parties and is being filed with the Clerk of Court for the 16<sup>th</sup> Judicial District Court for the Parish of St. Martin, State of Louisiana, in the record of the state-court action. A copy of the state-court *Notice of Removal* is attached hereto as Exhibit “3.”

**REQUEST FOR REMOVAL AND DEMAND FOR JURY TRIAL**

21.

The *Petition* alleges specific damages that exceed \$75,000.00, exclusive of interests and costs. WHEREFORE, based on the foregoing, defendant, United Property and Casualty Insurance Company, requests that the action now pending in the 16<sup>th</sup> Judicial District Court for the Parish of St. Martin, State of Louisiana, entitled *W. GLENN SOILEAU versus UNITED PROPERTY & CASUALTY INSURANCE COMPANY*, bearing case number 88182, be removed to this Honorable Court. Defendant, United Property and Casualty Insurance Company, further requests a trial by jury on all issues triable thereto.

Respectfully submitted,



---

**SHANNON HOWARD-ELDRIDGE** (23139)

**JENNA K. FUGARINO** (38004)

Milling Benson Woodward, L.L.P.

68031 Capital Trace Row

Mandeville, Louisiana 70471

Telephone: (985) 871-3924

Facsimile: (985) 871-6957

Email: seldridge@millinglaw.com

jfugarino@millinglaw.com

*Attorneys for Defendant, United Property & Casualty Insurance Company*



**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of July, 2019, I electronically filed the foregoing with the Clerk of Court for the Western District of Louisiana using the CM/ECF system and served a copy on the following by United States Mail:

Jacques P. Soileau  
219 West Bridge Street  
Post Office Box 344  
Breaux Bridge, LA 70517  
Telephone: (337) 332-4561  
Facsimile: (337) 332-4562  
Email: jps@glacoxmail.com  
*Attorney for Plaintiff, W. Glenn Soileau*



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**SHANNON HOWARD-EDLRIDGE**

R. KYLE ARDOIN  
SECRETARY OF STATE  
P.O. BOX 94125  
BATON ROUGE, LA 70804-9125



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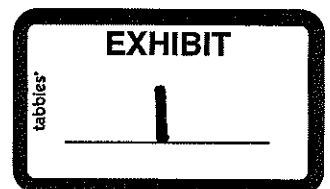
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State of Louisiana  
Secretary of State

06/21/2019

Legal Services Section  
P.O. Box 94125, Baton Rouge, LA 70804-9125  
(225) 922-0415

UNITED PROPERTY & CASUALTY INSURANCE COMPANY  
800 2ND AVE S  
SAINT PETERSBURG, FL 33701

Suit No.: 88182  
16TH JUDICIAL DISTRICT COURT  
SAINT MARTIN PARISH

W. GLENN SOILEAU  
vs  
UNITED PROPERTY & CASUALTY INSURANCE COMPANY

Dear Sir/Madam:

I am enclosing a citation served in regard to the above entitled proceeding. If you are not the intended recipient of this document, please return it to the above address with a letter of explanation. All other questions regarding this document should be addressed to the attorney that filed this proceeding.

Yours very truly,

R. KYLE ARDOIN  
Secretary of State

Served on: R. KYLE ARDOIN  
Served by: E CUMMINS

Date: 06/20/2019  
Title: DEPUTY SHERIFF

No: 1124205

KC



## CITATION

SOILEAU, W GLENN

Versus

UNITED PROPERTY AND CASUALTY  
INSURANCE COMPANYCase: 088182  
Division: C  
16<sup>th</sup> Judicial District Court  
Parish of St. Martin  
State of Louisiana

TO:

UNITED PROPERTY AND CASUALTY INSURANCE COMPANY  
THROUGH AGENT:  
LOUISIANA SECRETARY OF STATE  
8585 ARCHIVES AVE.  
BATON ROUGE, LA 70809SERVED ON  
R. KYLE ARDOIN  
JUN 20 2019SECRETARY OF STATE  
COMMERCIAL DIVISION

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the PETITION FOR DAMAGES, BREACH OF CONTRACT, PENALTIES AND ATTORNEY FEES, REQUEST FOR ADMISSION OF FACTS, AND REQUEST FOR PRODUCTION OF DOCUMENTS of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 11TH day of JUNE, 2019.

BECKY P. PATIN  
Clerk of the 16<sup>th</sup> Judicial District Court for  
St. Martin Parish, Louisiana

BY:

Kristie Prejean

Deputy Clerk of Court

REQUESTED BY:  
JACQUES P. SOILEAU  
ATTORNEY FOR PLAINTIFF

Service Information

Received on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
served the above named party as follows:

Personal Service on the party herein named \_\_\_\_\_  
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of \_\_\_\_\_, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:  
Parish of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Service \$ \_\_\_\_\_

Mileage \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Sheriff

[ ORIGINAL ]

IN THE 16<sup>th</sup> JUDICIAL DISTRICT COURT  
FOR THE PARISH OF ST. MARTIN  
STATE OF LOUISIANA

W. GLENN SOILEAU

VERSUS

UNITED PROPERTY &  
CASUALTY INSURANCE COMPANY

DOCKET NO. 88182-C

PETITION FOR DAMAGES, BREACH OF CONTRACT,  
PENALTIES AND ATTORNEY FEES

NOW INTO COURT, comes W. GLENN SOILEAU, a resident of St. Martin Parish, State of Louisiana, who respectfully represents the following to-wit:

1.

Petitioner herein purchased home owners insurance policy from UNITED PROPERTY & CASUALTY INSURANCE COMPANY, for his residence located at 491 Kent Street Breaux bridge, LA, made a defendant herein, who doing business in the State of Louisiana by selling insurance policies in the State of Louisiana, through its agent Huval's Insurance Company who is located in St. Martin Parish, LA.

2.

Said policy was in full force and affect at the time of the incident herein complained of.

3.

UNITED PROPERTY & CASUALTY INSURANCE COMPANY, sold a policy to petitioner W. GLENN SOILEAU, through its agent Huval Insurance Company, located on Rees Street in Breaux Bridge, LA. The loses herein occurred in Breaux Bridge, LA.

4.

On or about July 23, 2018, petitioner's home at 491 Kent Street was burglarized and a large number of items were sold from his residence.

5.

At the time of the incident herein, on or about July 23, 2018, petitioner was vacationing in Florida.

6.

During the weekend of July 23, 2018, petitioner's son had visited with him and upon returning on Sunday afternoon on or about July 23, 2018, went into the home of W. GLENN SOILEAU located at 491 Kent Street Breau Bridge, La, and discovered that his home had been broken into and a large number of items had been stolen.

7.

Immediately upon learning of the burglary petitioner's son telephone petitioner and petitioner returned home to Breau Bridge, LA.

8.

The Breau Bridge Police Department was notified of the burglary and investigated it but has not been able to solve the crime as of this particularly time.

9.

Petitioner was robbed of numerous items, which were provided both to the Breau Bridge Police Department and to UNITED PROPERTY & CASUALTY INSURANCE COMPANY, pursuant to their request.

10.

On February 14, 2019, petitioner herein gave a recorded statement to Michelle Gray and employee of UNITED PROPERTY & CASUALTY INSURANCE COMPANY.

11.

The recorded statement was substantial and very lengthy and petitioner provided all of the information requested by Michelle Gray.

12.

Subsequently thereto UNITED PROPERTY & CASUALTY INSURANCE COMPANY, took no action in regard to the claim and despite the fact that plaintiff made numerous request for information and status of the claim nothing was done on the claim for over a period of two (2) months.

13.

On or about April 18, 2019, at 10:07 a.m. , one Jennifer Barnes contacted W. GLENN SOILEAU, for the first time after the claim was made and the statement was given on February 13, 2019.

14.

Jennifer Barnes stated to petitioner that one Michelle Gray had been terminated from UNITED PROPERTY & CASUALTY INSURANCE COMPANY, and she could not find the file or the recorded statement given by W. GLENN SOILEAU ON February 13, 2019.

15.

Petitioner again provided information requested by Jennifer Barnes but refused to provide another recorded stating that the statement was substantial and provided names of witnesses of who Jennifer Barnes could contact.

16.

On or about the same day April 18, 2019, Jennifer Barnes contacted Jacques P. Soileau and spoke to him at length and for approximately one (1) hour regarding the burglary at the home of W. GLENN SOILEAU.

17.

Up until and including this date May 28, 2019, the defendants have failed to advise petitioner of the status of this claim and has retained an attorney to take another statement from W. GLENN SOILEAU.



18.

Petitioner herein has provided to UNITED PROPERTY & CASUALTY INSURANCE COMPANY a statement of the lost items and complied with all of the request of UNITED PROPERTY & CASUALTY INSURANCE COMPANY, regarding this claim including listing of all the property stolen in detail which adds up to approximately \$195,000.00.

19.

The defendants have failed and refused to pay one red cent of this claim despite the fact that they had verified from the Breaux Bridge Police Department and other witnesses that this burglary did in fact occur and there was a property loss.

20

Petitioner herein is entitled to penalties and attorney fees for the defendant's willful refusal to settle and adjust his claim within the periods provided by law.

21.

Petitioner prays that he be awarded penalties and attorney fees in the amount of \$60,000.00, for the defendants willful and intentional refusal to adjust this claim within the delays provided by law.

22.

Petitioner Further prays that he be awarded all of the damages from the property taken from his home at 491 Kent Street Breaux Bridge, LA, in the amount of \$195,000.00. Petitioner further states that the defendant be served pursuant to the service provisions of the Louisiana Code of Civil Procedure.

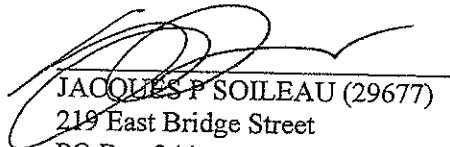
23.

The defendants are guilty of breach of contract and failure to comply with the law and petitioner is entitled to damages for breach of contract.

WHEREFORE PETITIONER PRAYS that the defendant, be served and cited to appear, and that thereafter there be judgment herein in favor of the plaintiff, W. GLENN SOILEAU, and against the defendant, UNITED PROPERTY & CASUALTY INSURANCE COMPANY, for all damages for the theft and burglary from his home at 491 Kent Street Breaux Bridge, LA in the amount of \$195,000, together with penalties, attorney fees, in the amount of \$60,000 under the laws of the State of Louisiana.

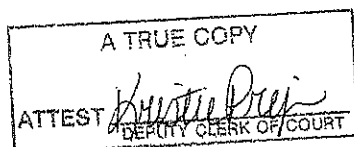
PETITIONER FURTHER PRAYS, that he be granted damages for breach of contract in the amount of \$50,000.

ATTORNEY FOR PETITIONER

  
JACQUES P SOILEAU (29677)  
219 East Bridge Street  
PO Box 344  
Breaux Bridge, LA 70517  
Phone: 337-332-4561  
Fax: 337-332-4562


Please serve:

UNITED PROPERTY & CASUALTY INSURANCE COMPANY  
Through Agent:  
Louisiana Secretary of State  
8585 Archives Ave.  
Baton Rouge, LA 70809



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2019 JUN 10 AM 9:48

  
DEPUTY CLERK OF COURT  
ST. MARTIN PARISH

**IN THE 16<sup>th</sup> JUDICIAL DISTRICT COURT**  
**FOR THE PARISH OF ST. MARTIN**  
**STATE OF LOUISIANA**

W. GLENN SOILEAU

VERSUS

**UNITED PROPERTY &  
CASUALTY INSURANCE COMPANY**

**DOCKET NO. 88182-C**

**REQUEST FOR ADMISSION, AND REQUEST FOR PRODUCTION OF  
DOCUMENTS**

TO: UNITED PROPERTY & CASUALTY  
INSURANCE COMPANY  
P.O. Box 1011  
St. Petersburg, FL 33731


Defendant, W. GLENN SOILEAU, hereby propounds to Plaintiff, UNITED PROPERTY & CASUALTY INSURANCE COMPANY, the following Interrogatories Request for Admissions, and Request for production of documents, in accordance with the provisions of Articles 1466, 1467, and 1468 of the Louisiana Code of Civil Procedure, which should be deemed admitted, unless denied, in accordance with Article 1467, and further demands, under the provisions of Article 1472 that Defendant pay reasonable expenses, including attorney's fees and cost, for making proof of any matter which is denied.

Please take notice, that you are hereby notified and required to answer separately, fully, in writing, **UNDER OATH**, the interrogatories propounded herein, and to serve your answers thereto on counsel for defendant, **W. Glenn Soileau**, Attorney at Law, Post Office Box 344, Breaux Bridge, Louisiana 70517, within **FIFTEEN (15) DAYS** from service hereof in accordance with the provisions of Code of Civil Procedure Article 1458.

**DEFINITIONS AND INSTRUCTIONS**

A. The term "PERSON" or "PERSONS", and "PARTY" or "PARTIES" shall mean any individual, partnership, firm, corporation, association, joint venture,

RESPECTFULLY SUBMITTED:

  
JACQUES P. SOILEAU (29677)  
P.O. Box 344  
Breaux Bridge, LA 70517  
Phone: (337) 332-4561  
Fax: (337) 332-4562

CERTIFICATE OF SERVICE

*I HEREBY CERTIFY that a copy of the above and foregoing has this day been forwarded to all counsel of record in this proceeding by:*

\_\_\_\_ Hand Delivery    X Prepaid U.S. Mail    \_\_\_\_ Facsimile    \_\_\_\_ Federal Express

*pursuant to Louisiana Code of Civil Procedure Art. 1313 Breaux Bridge, Louisiana this \_\_\_\_ day of May 2019.*

  
JACQUES P. SOILEAU (#31603)

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2019 JUN 10 AM 9:48

  
KRISTIE POIRIER  
DEPUTY CLERK OF COURT  
ST. MARTIN PARISH

